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PART-II

EXTRAORDINARY

BHAVNAGAR MUNICIPAL CORPORATION

Draft General Parking Control (Management) By-laws, 2021

(To regulate public parking places under The GPMC Act, 1949)

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**Preface**

The Gujarat Provincial Municipal Corporation Act of 1949 (GPMC Act) mandates under section 458 that providing and maintaining parking facilities is the local government's responsibility. At present, parking enforcement is managed by the Traffic Police. They fine and /or tow away illegally parked vehicles. Often, they cannot enforce due to lack of adequate traffic policemen or lack of equipment to tow away vehicles. In most cases, traffic police are stationed at major intersections and not along the roads/streets. This leads to the situations where parking violations occur frequently, leading to traffic congestion and safety issues for all users, and a general sense of chaos and disorder on streets. The BMC, therefore, desires to manage parking enforcement in its jurisdiction with a view to inter alia ease the burden on traffic police and ensure organized street parking. This shall be done in conjunction with the powers of the traffic police to enforce and collect fines under the Bombay Police Act and the Central Motor Vehicles Act.

The relevant provision of the GPMC Act in this regard is as follows:

Sections 458 of the GPMC Act provides:-

“The Corporation may from time to time make by-laws, not inconsistent with this Act and the rules, with respect to the following matters, namely....

(36) Securing the protection of public parks, gardens, public parking places and open spaces vested in or under the control of the Corporation from injury or misuse, regulating their management and the manner in which they may be used by the public and providing for the proper behaviour of persons in them”.

These new rules and regulations shall be framed under sub-section (36) of section 458

**1 Title and Commencement**

- 1) These by-laws may be called the Bhavnagar Municipal Corporation, General Parking Control (Management) By-Laws, 2021
- 2) These by-laws shall come into force with effect from the date of publication in the official gazette of the State of Gujarat.
- 3) These by-laws shall apply to the area under the jurisdiction of the Bhavnagar Municipal Corporation

**2 Definitions**

In these by-laws, unless there is anything inconsistent with the context or meaning:

“Act” means The Gujarat Provincial Municipal Corporation Act of 1949;

“Additional charge” shall have the meaning specified in clause 8(4) of these by-laws;

“Bus stop/Station” means a facility provided for passengers using public transport to board and alight from the public transport vehicle;

“City” means the city of Bhavnagar;

“Corporation” or “BMC” means the Bhavnagar Municipal Corporation;

“Cycle track” means a segregated lane earmarked exclusively for use of bicycle;

“Emergency Vehicle” means a vehicle used for emergency purpose including but not limited to transporting patients to hospital, fire engines on duty, police vehicles on duty and other vehicle on relief and rescue work;

“Footpath” means a type of thoroughfare that is intended for use only by pedestrians and not for other forms of traffic such as motorized or non- motorized vehicles;

“IRC” means the Indian Roads Congress Codes;

“Impound Lot” is a specific area identified by the BMC to park vehicles that are towed away for parking /traffic rule violations;

“Motor Vehicle” includes an automobile, bus, truck, motorcycle, motor assisted bicycle, motor scooter and any other vehicle propelled or driven other than by muscular power;

“Multi-level Parking” is an off-street parking facility on one or more levels;

“Non -Use Vehicle” means vehicle which have not been used for driving for over a period of 90 days;

“Off- Street Parking” means the act of parking in a place that is not on street and may be in a private/public domain or in a multi-level /surface parking facility;

“On- Street Parking” means the act of parking on the street or road in an area specifically designated for parking;

“Park” or “Parking” means the act of leaving or stationed a motor vehicle in a designated space as declared by the Corporation for some limited duration of time;

“Parking area” means an area enclosed or unenclosed, covered or open, which is sufficient in size to park vehicles and includes any driveway connecting them with a street or alley and permitting ingress or egress of vehicles;

“Parking Charges” are the charges collected by the Corporation from users for parking in a designated area;

“Parking Permit” means a permit given by the BMC to users to park vehicles in designated areas for specific period after pre-payment of fees set by the BMC;

“Pedestrian” means any person travelling on foot whether walking or running;

“Right of Way” or “RoW” means the entire area between property edge to property edge that is in the public domain and including features of carriage way, footpath, street furniture, median, traffic signals, cycle tracks, etc.;

“Shared Parking” is the same parking space shared by more than one user on mutually agreeable terms;

“Traffic Enforcement Officer” or “TEO” means the person authorised to carry out parking enforcement activities under these by-laws;

All other words and expressions used in these By-Laws which are defined in the Act shall have the same meaning as respectively assigned to them in the Act

### **3 Jurisdictions**

The provisions of the by-laws shall apply to the area under the Bhavnagar Municipal Corporation (BMC) It shall include:

- 1) All highways and part of highways
- 2) All lanes or alleys in public Row
- 3) All public right-of-way and public streets or roads
- 4) On-street and off-street parking places and areas
- 5) Private property area if specifically noted in the rules for temporary period as and when declared by the Municipal Commissioner.

### **4 Standards**

The Corporation shall ensure that all areas for on- street parking, including parking areas under bridges and flyovers, parking lots in municipal plots are clearly marked so that they can be easily identified. Specifically, the following standards shall be followed;

- 1) On-street parking spaces shall be designed as per IRC: SP:12-2015
- 2) Boundaries of all spaces for On-Street Parking will be marked by white line as indicated in IRC-35-1997
- 3) Signage’s clearly marking “Parking” and “no-parking” areas shall be marked as per IRC-67-2001

### **5. Traffic Cell-Duties and Responsibilities**

- 1) The Municipal Commissioner shall form a “Traffic cell” within the BMC. It shall be headed by Director (Traffic) of the rank of Executive Engineer or above.
- 2) A team of TEOs of the rank of Deputy Engineer / Assistant Engineer/ Junior Engineer/ Supervisor or any other rank shall be appointed and shall report to the Director or concerned higher official.
- 3) Towing vehicles and / or clamps may be procured by the BMC
- 4) All cases of parking violations in BMC area shall be monitored by Traffic cell through frequent survey.
- 5) The authority to tow away and /or clamp vehicles which violate parking norms shall rest with the Traffic cell/TEO.
- 6) In case of clamping, the vehicle shall be unclamped after the correct Additional charges have been paid to the BMC.

- 7) In case of towing, the vehicle shall be shifted to the nearest impound lot and released after the correct Additional charge has been paid to the BMC.
- 8) All records and database shall be maintained by the traffic cell in order to identify all violations and take appropriate actions as by the Municipal Commissioner or Competent Authority.
- 9) Private agencies can be appointed through transparent and competitive bidding process for collection of fees, penalties, towing and no parking charges in the city under the supervision of authorised officer appointed by Director (Traffic).

## 6. Procedures and Requirements

The Municipal Commissioner may authorise Director (Traffic) of Traffic cell to carry out the duties and responsibilities for the purpose of these by-laws on his behalf. The procedures and requirement for the Corporation to enforce parking by-laws in city shall include the following:

- (1) The Municipal Commissioner or an officer authorised by the Commissioner may determine places where motor vehicles may stand either all time or for a specified period of time, and may determine the places at which public service vehicles may stop for a longer time than necessary for the taking up and setting down of passengers.
- (2) The places for parking of different kinds of vehicles and the fee shall be published in local newspapers.
- (3) The Municipal Commissioner may declare “no-parking” areas for smooth flow of people and vehicles.
- (4) The Municipal Commissioner may prescribe parking permits primarily in residential areas, neighbourhoods or whichever other area he/she may think fit for issuing such parking permits. The fees of the parking permits shall be decided by the Standing Committee from time to time based on the general traffic condition of the city. The Municipal Commissioner shall have the power to refuse or revoke such parking permits.
- (5) Any vehicle user can park his/her vehicles at residential place, work place or any other place which is designated for parking purpose. These places may be owned by different people. The Municipal Commissioner may authorise shared parking between multiple owners on production of mutually agreeable terms given in writing, provided each of the parties has a right to share that parking space.
- (6) On-street and off-street parking charges shall be decided by the Standing Committee from time to time.
- (7) On-street parking shall be discouraged around or adjoining roads or areas near multi-level parking. This area shall be decided by the Municipal Commissioner and can be changed as and when required.
- (8) On-street and off-street parking shall be permitted for a maximum period of time as decided by the Municipal Commissioner.
- (9) In the event a motor vehicle is left at rest in any public place in such a way as to cause or likely to cause danger, obstruction or inconvenience to other, such vehicle can be towed away or clamped by the BMC.
- (10) The Standing Committee shall determine the fee and Additional charges.
- (11) The charges for towing and the Additional charges shall be borne by the owner of such motor vehicle. If any motor vehicle is stationary, abandoned or left unattended in any place other than a duly designated parking place in such a way as to cause obstruction to traffic or danger to any person or creating a traffic hazard, TEO or duly appointed or authorized staff may:
  - i. Forthwith cause the vehicle to be moved under its own power or otherwise to the nearest place where the vehicle will not cause undue obstruction or danger;
  - ii. Unless it is moved to a position where it will not cause obstruction or danger or hazard, cause to be taken all reasonable precautions to indicate the presence of the vehicle;
  - iii. If the vehicle has been stationary, abandoned or left unattended in parking or no parking area for a continuous period at 48 hours, TEO shall inform the police for further action;
  - iv. In case of “non-use vehicle” lying stationary in private or public place for more than 90 days, TEO shall inform the police for further action.
- (12) Officer in-charge of a parking place and TEOs shall be issued identity cards by BMC.
- (13) The Corporation may amend these parking by-laws as and when required.

- (14) For vehicles that are required to be towed away, the TEO shall implement the following actions:
  - i. Take photographs on a camera to explain the nature of violation and as proof of the violation;
  - ii. Record the licence plate number in prescribed format and the nature of violation;
  - iii. Record the amount of Additional charges to be collected in the prescribed format;
- (15) BMC shall not be responsible for any damage to the parked or towed vehicle.

#### 7. Implementation plan :

The contents of the by-laws may be implemented through the following plan:

- 1) **Parking Permits:** The Municipal Commissioner shall declare specific areas in Bhavnagar to be under 'Parking Permits'. Vehicle owners residing or working in such areas shall approach the traffic cell to purchase their parking permits. This may be for on-street or off-street parking. They shall be asked to fill in an application form with the street name and deposit the fees in force at that point of time. Documents related to proof of residence and proof of vehicle ownership will need to be submitted along with the application form. Against payment of permit fees, the residents shall receive a valid permit and a specially designed sticker with a unique ID to be prominently displayed on the vehicle. If vehicles are found parked in such designated areas by the TEO without a permit, they shall be charged for violation of by-laws as decided by the Municipal Commissioner. The TEOs shall have real time access to check the permit validity and authenticity during site visits. The following clauses shall be applicable to all the parking permits:
  - i. All parking permits shall remain valid for a given address, and shall cease to be valid when the address is changed;
  - ii. Parking permits will not be applicable for premium roads during specific time duration which will be decided on case to case basis depending on the activities along the road;
  - iii. There will be higher parking permit charge for defaulters;
  - iv. BMC is not responsible for any damage to the vehicle.
- 2) **Sharing Parking:** The same space may be allowed to be shared between more than one owners. In such case, a 'no objection' must be taken from the president/ chairman/secretary of the premises where the shared parking is applicable. This agreement shall be considered as proof of parking and a unique ID will be issued.
- 3) **Disposal of vehicles:** Vehicles towed away for parking violations shall be kept at an impound lot. BMC shall designate spots/areas in the city as 'impound lot' where the towed away or unclaimed vehicles shall be parked. In case towed vehicle is not taken away by owner after paying the fixed charge, a demurrage charge as decided by the Municipal Commissioner per month shall be applied for a maximum period of 3 months. In case vehicle is not taken away by owner within 3 months, then after 3 months the vehicle shall be disposed off after following due process of law under prevalent Act.

#### 8. Fees and Additional Charge

##### Fees :

- (1) The Standing Committee may define fees for the designated Parking Areas in the City. The Parking fees can vary depending on the type of vehicle, location, and time of the day and duration of Parking.
- (2) Parking fees shall be displayed at appropriate locations in the City.
- (3) The Standing Committee can modify the fees from time to time as required.

##### Additional Charge :

- (4) Whoever contravenes any provision of these by-laws shall be liable to pay additional charges for parking in violation of these by-laws which includes following specific situation but not limited to:
  - I. A motor vehicle parked in an area other than the designated area of parking;
  - II. A motor vehicle is parked on the footpath;
  - III. A motor vehicle is parked in an area clearly identifiable as Bus Stop/Station;
  - IV. A motor vehicle is parked in a manner that obstruct entry and exit to public and private properties;
  - V. A motor vehicle is parked on a Cycle Track;
  - VI. A motor vehicle is parked in a manner that obstructs the smooth flow of traffic;
  - VII. A motor vehicle is parked either completely or partially on a zebra crossing

(5) The Additional Charges that shall be payable for parking in violation of these by-laws shall be as follows:

Vehicle Type	Additional Charges
Two Wheelers	To be decided by the Standing Committee from time to time
Three Wheelers	
Four Wheelers	
LCV	
HCV	

(6) The Additional charge shall be incrementally increased as decided by the Standing Committee if the same vehicle is found violating frequently.

(7) The Municipal Commissioner can change the Additional Charges if required. The New Additional Charges shall be published in the local newspapers.

#### **9. Mode of Payment**

Challans shall be issued to persons who violate parking rules. These challans can be in the form of e-challans also. Offenders shall have the option to pay in cash to the TEO or in the event the vehicle is towed away, than to pay in cash at the impound lot, where the vehicle is parked. Options for payment on the spot through debit and credit card or mobile applications may be made available. Payment for parking charges and violations can also be made through an electronic sensor system.

#### **10. Exemptions**

The Provisions of these by-laws shall not apply to:

1. Authorised Emergency Vehicles where the operator is engaged in the performance of their duties;
2. Vehicles which are exempted, permit would be issued by BMC and/or traffic police for various purposes and for specific period of time.

#### **11. Appeals**

If a person is not satisfied with the procedure and fine imposed:

1. He shall have the right to appeal to the Director (Traffic) within 14 days of the offense.
2. The Director (Traffic) shall make a decision within 10 days of receiving such appeal

The decision of the Director (Traffic) shall be final.

### **ANNEXURE 1**

The tables bellow shows on and off street parking charges in normal and premium areas

<b>On street parking - All areas</b>					
	<b>0 to 3 hours</b>	<b>3 to 6 hours</b>	<b>6 to 9 hours</b>	<b>9 to 12 hours</b>	<b>12 to 24 hours</b>
3-wheelers	2	4	6	8	10
Cars	10	15	20	25	30
LCV	15	20	25	30	35
HCV	20	25	30	35	40

<b>On Street Parking – Premium Areas</b>					
	<b>0 to 3 hours</b>	<b>3 to 6 hours</b>	<b>6 to 9 hours</b>	<b>9 to 12 hours</b>	<b>12 to 24 hours</b>
3- wheelers	4	6	8	10	12
Cars	15	20	25	30	35
LCV	20	25	30	35	40
HCV	25	30	35	40	50

Off Street Parking – All Areas				
	0 to 6 hours	6 to 12 hours	12 to 18 hours	18 to 24 hours
3- wheelers	1	2	4	6
Cars	5	10	15	20
LCV	10	15	20	25
HCV	15	20	25	30

Off Street Parking – Premium Areas				
	0 to 6 hours	6 to 12 hours	12 to 18 hours	18 to 24 hours
3- wheelers	2	4	6	8
Cars	10	15	20	25
LCV	15	20	25	30
HCV	20	25	30	40

On and Off Street Parking - All Areas					
	0 to 3 hours	3 to 6 hours	6 to 9 hours	9 to 12 hours	12 to 24 hours
2 wheelers	0.5	1	2	3	5

All above Tables are for 24 hours. For more then 24 hours, parking charges shall be computed based on the additional duration of parking as increment from start from 0 in table. Bicycles and Handicapped modified vehicles shall not be charged for parking.

## ANNEXURE 2

The table below shows parking permit charges

Table parking permit in exeternal and core zone

Subsidy scenarios					
Parking District	Vehicles	A		B	
		Cost_RP/Year	Cost_WP/Year	Cost_RP/Year	Cost_WP/Year
External	2W	365	200	185	100
	Car	1095	600	555	300
	LCV	1825	1000	925	500
	HCV	2555	1400	1295	700
Core	2 W	730	400	370	200
	Car	2190	1200	1110	600
	LCV	3650	2000	1850	1000
	HCV	5110	2800	2590	1400

RP : Residential permit

WP: Work permit

Sd/- Illegible  
Executive Engineer  
Estate Department  
Municipal Corporation  
Bhavnagar

